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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,894	08/21/2001	Isamu Suzuki	F-11380	6424
466	7590	03/31/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/932,894	<b>Applicant(s)</b> SUZUKI, ISAMU	
	<b>Examiner</b> Robert M. Pond	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/21/01</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant canceled claim 1-7 and newly added claims 8-11. All pending claims 8-11 were examined in this non-final office action.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 20 January 2006, with respect to the rejection(s) of claim(s) 8-11 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hall and Fano. Hall teaches making a purchase decision or canceling a purchase request in part on cost of the product and facility location, and further teaches using intelligent search agents to retrieve supplier and cost information. Fano teaches intelligent search agents finding the latest and lowest price items from a retailer in proximity to the customer.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8-10 are rejected under 35 USC 103(a) as being unpatentable over Hall (Paper # 20050309, US 6,026,375) in view of Fano (US 6,317,718).**

Hall teaches a shopping assistance service system for wireless mobile customer to submit inquiries regarding the availability of specified goods or services from suppliers, restaurants, or other retailers determined to be local to the mobile customer using tracking or geographic positioning means (see at least abstract; col. 2, line 40 through col. 4, line 49). Hall further teaches:

- A plurality of dealer terminals: restaurants or suppliers with computer terminals connected to the commerce service (see at least Fig. 3 (172, 174, 176); col. 7, line 38 through col. 8, line 42).
- An information retrieval service: (see at least Fig. 1 (150); Fig. 3 (150); col. 5, line 36 through col. 6, line 43).
- A plurality of user terminals requesting information retrieval: wireless mobile users (see at least Fig. 1 (100, 105); col. 5, line 36 through col. 6, line 43).
- Narrowing search; transmission range: Inherent in Hall are the structures necessary to permit narrowing the search. For example, the system determines local facility based on mobile user location information (see at least abstract; col. 5, lines 20-28).

- Cost: customer receives cost information pertaining to a particular supplier and can reject service based on cost or other factors and cancel the request (see at least col. 9, lines 51-55).

Hall teaches all the above as noted under the 103(a) rejection and teaches a) the system presenting estimated cost and facility information to the customer to solicit a decision from the customer, b) customer making a decision that includes cost of a product or service as a decision factor, and c) using intelligent search agents to retrieve supplier information. Hall, however, does not specifically disclose sending to the customer a latest and lowest price. Fano teaches an intelligent search agent based system being used to create a customized offer information summary to a customer containing one or more items of interest. Fano teaches providing the lowest cost information (see at least abstract; col. 47, line 58 through col. 48, line 26), and further teaches receiving latest product and pricing information directly from the supplier (see at least Fig. 9; col. 27, lines 11-36). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Hall to provide latest and lowest price information to a customer as taught by Fano, in order to help the customer make a purchase decision.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
March 27, 2006